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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 1312/2007

UJJAL S. MAKKER

.....Plaintiff

Through: Mr. Rahul Sharma, Adv. (joined through VC) with Mr. Mani Kant, Ms. Shikha Singh & Mr. Rohit Rana, Advs. (physically).

versus

KAVAL BAJAJ & ORS

.....Defendants

Through: Ms. Laxmi Sharma, Adv. for Dr. Sarbjit Sharma, Adv. for D-1.
Mr. Prashant Katara, Soin Khan, Mr. Shivam Gupta & Ms. Sakshi Jain, Advs. for D-3.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. PREETI PAREWA, (DHJS)

ORDER

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31.07.2025

IA no.18379/2025 under Order I Rule 10(2) CPC moved by defendant no.3 for striking the name of defendant no.3.

Issue notice. Learned respective counsels for the non-applicants present today accept notice and seek time to file reply. Let reply, if any, to the captioned IA be filed by the non-applicants within four weeks from today with copy to the opposite side, who shall be at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify the captioned IA for completion of pleadings on **08.10.2025**.

IA No.1846/2025 under Order XXII Rule 4 CPC moved by the plaintiff for impleadment of LRs of D-2; and IA No.1847/2025 under Section 151 CPC moved by the plaintiff seeking condonation of delay in filing IA no.1846/2024

Learned counsel for the defendant no.3 already



submitted that he has no objection to the captioned IAs.

Pleadings qua defendant no.1 in both the captioned IAs are complete.

Learned counsel for the plaintiff seeks time to serve all the three proposed LR's of deceased defendant no.2 with the notice of the above-captioned IAs.

Let requisite steps for service of all the three proposed LR's of deceased defendant no.2 be taken by the plaintiff through all permissible modes including electronic modes, within three weeks from today. The proposed LR's of deceased defendant no.2 to file reply, if any, to the above-captioned IAs, within a period of three weeks from the date of service of said notice with copy to the opposite side. Thereafter, rejoinder, if any, be filed by the applicant within two weeks with copy to the opposite side.

Re-notify the captioned IAs for completion of service qua all the three proposed LR's of deceased D-2/consideration on **08.10.2025**.

IA No.13310/2022 (for passing of Preliminary Decree and for directions filed by defendant no.1)

Pleadings are already complete.

However, an application bearing IA no.1846/2025 under Order XXII Rule 4 CPC filed by the plaintiff for impleadment of LR's of deceased D-2 is pending consideration.

Re-notify the captioned IA on **08.10.2025**.

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As per office note, Amended Memo of Parties alongwith proof of cost of Rs.500/- filed by the plaintiff is on record.

Documents filed by defendant no.3 are also on



record.

Learned counsel for the plaintiff submits that vide order dated 02.07.2025, an application bearing IA no.15042/2025 filed by the defendant no.3 seeking waiver of costs was disposed of by the Hon'ble Court whereby, the costs imposed upon defendant no.3 were reduced to Rs.50,000/- and out of the said amount, 30% being Rs.15,000/- was directed to be deposited with the Delhi High Court Legal Services Committee, and the remaining 70% amount, being Rs.35,000/- was directed to be deposited with the plaintiff. That, vide the said order, the Hon'ble Court directed the above-said costs to be paid within a period of two weeks from the date of order, failing which the Court shall be constrained to take coercive steps against the applicant/defendant no.3. It is further submitted on behalf of the plaintiff that the said timeline was not complied with by the defendant no.3 and it is submitted that the matter may be placed before the Hon'ble Court for further necessary action.

At this stage, learned counsel for the defendant no.3 submits that the cost of Rs.15,000/- was deposited with Delhi High Court Legal Services Committee on 26.07.2025 and an e-mail was sent to learned counsel for the plaintiff on 26.07.2025 seeking details for payment of remaining amount of Rs.35,000/- to the plaintiff. It is further submitted that defendant no.3 is ready and willing to pay the entire cost amount to the plaintiff in Court today. Let proof of cost of Rs.15,000/- be filed by the defendant no.3 with the Registry within two weeks.

The offer has been refused by learned counsel for

the plaintiff.



At the joint request, the matter be placed before the
Hon'ble Court on **02.09.2025**, for further directions.

PREETI PAREWA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 31, 2025/ab